

Amendment Under 37 CFR 1.116
Expedited Proceeding
Group Art Unit 3627
Attorney Docket No. 102565-100
U.S. Serial No. 09/732,531
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REMARKS

In the present Office Action, claims 2, 3, 5, 6, 8, 9 and 11-16 were examined. Claims 2, 3, 5, 6, 8, 9 and 11-16 are rejected. No claims are objected to and no claims are allowed.

By this Amendment, claims 2, 3, 5, 6, 8, 9 and 11 have been amended and claim 14 has been canceled. Accordingly, claims 2, 3, 5, 6, 8, 9 and 11-13 and 15-16 are presented for further examination. No new matter has been added. By this Amendment, claims 2, 3, 5, 6, 8, 9 and 11-13 and 15-16 are believed to be in condition for allowance.

The Examiner rejected the pending claims under 35 USC §112, first and second paragraphs identifying expressions in the claims as indefinite. In particular, in claim 2, 5 and 8, the Examiner noted that the business components were predefined and not changeable, rather features of the business components could be changed. Applicant has amended the claims to reflect that it is the features that are changed.

The Examiner noted that in claims 2, 5 and 8 it was more correct to recite that money is reported in a financial report rather than money is reported as a financial report. The claims have been amended as suggested by the Examiner.

The Examiner noted that in claims 3, 6 and 9, the business components and their interactions are natural phenomenon and should not be the subject of Applicant's claims. The claims have been amended to recite that interactions between business components influence a dynamic financial accounting sheet. This is in accord with independent claims 2, 5 and 8.

The Examiner noted that in claims 11-13 the word "element" implied a constituent part and members of the recited group, such as daily sales, depend on multiple business components and are not "elements" of any one. Claim 11 has been amended to delete reference to an element and more precisely identify that business settings, rather than business components are changed. This is in accord with Applicant's specification at [0014]. Claims 12 and 13 do not recite

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“element” or “business component” and are believed to comply with the requirements of 35 U.S.C. §112.

The Examiner objected to claim 14 as a method step dependent from an apparatus step. Claim 14 has been canceled without prejudice or disclaimer rendering that objection moot.

With the above changes, the claims are believed to be in compliance with the requirements of 35 U.S.C. §112 and the rejections under that section should be removed.

Applicant's invention, as embodied in the independent claims, is drawn to an apparatus, method and software to enable management to more properly run a business. There are many factors that influence a business decision and these factors are all interrelated. As noted in Applicant's revised specification, (Attachment 1 – Clean Version of Replacement Specification), prosperity is optimized when there is mutual satisfaction, on the part of the customer and the business owner (at paragraph [0032]). The recognition that personal satisfaction is quantifiable and influences the financial report is neither taught nor suggested by the prior art of record in this patent application. A properly run business includes business components that have been balanced, harmonized and synergized (at paragraph [0025]).

The inclusion of “Man's business satisfaction”, as disclosed in Applicant's specification at [0032] as a variable for a dynamic decision making management tool is neither taught nor suggested by the prior art of record in this patent application. The Examiner's objection to the inclusion of “Man” as a variable for a dynamic decision making tool is noted. Applicant has amended that element of “Man's business satisfaction”. As noted in the specification, optimizing personal performance minimizes mistakes and optimizes performance and the optimization that leads to satisfaction may be different for different business owners (eg. optimization of money may be most important to one owner while optimizing family time may be most important to another owner).

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The pending claims were rejected under 35 U.S.C. 102(e) as anticipated by Clancey et al. (US Patent No. 6,134,563). Clancey et al. is drawn to a dynamic spreadsheet that allows the user to input data and to create mock-ups to simulate alternative conditions. However, as noted in claim 1 of Clancey et al. at column 47, lines 9-10, the required data is drawn to financial data. While the Examiner asserts that a business organization is the equivalent of "man," there is no recognition in Clancey et al. to incorporate the desires, or personal performance, of the business owner and the customers into the simulation. As such, while the spreadsheet of Clancey et al. may assist the decision maker in optimizing profits, it is not useful to direct the decision maker to the optimum happiness for both customer and business owner. Note that happiness is not limited to maximizing financial return, as noted in Applicant's specification at [0034] utilization of time is a factor, one business owner may seek to utilize time for family or hobbies while another may seek to utilize time to maximize wealth. The Clancey et al. spreadsheet is not capable of distinguishing between these two types of business owners and as such can not provide proper business direction.

Applicant's claims, as amended, should be allowed over the Clancey et al. reference.

Accordingly, Applicant submits that none of the references, alone or in combination, anticipate or make obvious the invention as presently claimed and that the application is now in condition for allowance. Therefore, Applicant respectfully requests reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.

Notice of Appeal

This amendment is believed to comply with the requirements of 35 USC 1.116 in that it places the claims in condition for allowance, or in the alternative, in better condition for appeal and its entry is respectfully solicited. While Applicant believes that all claims are now in condition for allowance, in the event that the amendment is not entered or the claims are deemed not in condition for allowance, Applicant includes a Notice of Appeal.

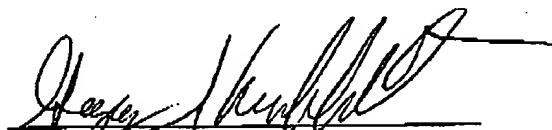
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If the Examiner has any questions or believes that a discussion with Applicant's attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
Watsaka Chuangsuvanish

Date: September 14, 2006


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